

Customer No.: 64884

Docket No.: H0630-0003-P003

Remarks

The non-final Office Action mailed on August 1, 2008 has been carefully reviewed and considered. Claims 1, 3-16 and 31-40 are pending in the application. Of these, claims 1, 13, 36, and 39 are herewith amended to more clearly define the invention. Claims 1, 3-16 and 31-40 stand rejected. Applicant respectfully traverses the rejections in light of the present amendments and arguments.

Applicant thanks the Examiner for acknowledging and entering the Request for Continued Examination filed on July 15, 2008. Applicant also thanks the Examiner for acknowledging Applicant's claim for domestic priority under 35 USC §119(e). The claim interpretation paragraphs of the Office Action (related to "substantially instantaneously identical", "detail drawing" and "markup lines" are noted.

As to previous arguments, Applicant notes with appreciation that the Patent Office has acknowledged the persuasiveness of Applicant's arguments, and has withdrawn the rejections of claims 1, 3-16 and 31-35 in view of Kuczun. Applicant thanks the Examiner for this action.

As noted above, claims 1, 13, 36, and 39 are herewith amended to more clearly define the invention. Support for the proposed amendments is found in the specification at least at page 31, lines 4-11. No new matter is added. Accordingly, entry and consideration of the proposed amendments is respectfully requested.

Customer No.: 64884

Docket No.: H0630-0003-P003

35 USC §112

Claims 39 and 40 stand rejected under 35 USC §112, second paragraph, for indefiniteness.

Claim 39 is amended, as indicated above, to more clearly define the invention. The rejection under 35 USC §112, second paragraph is, accordingly, overcome. Withdrawal of the rejection of claim 39 is therefore respectfully requested.

Claim 40 depends directly from claim 39 and incorporates every feature thereof. Accordingly, for at least the reasons given above in relation to claim 39, the rejection of claim 40 under 35 USC §112, second paragraph is also overcome.

35 USC §103

Claims 1, 3-6 and 36-40 stand rejected under 35 USC §103 (a) over United States patent number 6,499,006 to Rappaport et al. (*hereinafter* Rappaport) in view of United States patent number 5,821,937 to Tonelli et al. (*hereinafter* Tonelli).

As noted in previous submissions, the present invention relates to a system and method for network infrastructure management. Claim 1, as now amended, recites:

A method for deploying a fiber optic communication network comprising:
storing an attribute of an optical communication component in a
computer catalog database entry; associating said catalog database entry
with a design profile; selecting said database entry from said design

Customer No.: 64884

Docket No.: H0630-0003-P003

profile; reading said attribute from said database entry; associating said attribute with a planned deployment of a physical instance of said component; calculating an optical loss, including a loss associated with an optical fiber splice; and forming a visible image representing said planned deployment, said visible image including a separately identified integrated detail drawing. Emphasis added.

The Rappaport reference relates to "[a] method for displaying the results of a predicted wireless communication system performance as a three-dimensional region of fluctuating elevation and/or color within a three-dimensional computer drawing database consisting of one or more multi-level buildings, terrain, flora, and additional static and dynamic obstacles (e.g. automobiles, people, filing cabinets, etc.)."

It is acknowledged by the Office Action that Rappaport does not teach or suggest the claim features of "forming a visible image representing said planned deployment, said visible image including a separately identified integrated detail drawing," and combination with Tonelli is accordingly proposed.

The Tonelli reference relates to, "[a]method for designing networks including auditing a network to discover a present network configuration, creating a network design sheet from the discovered network configuration, [and] placing device icons representing intelligent device objects on the network design sheet." Abstract.

Customer No.: 64884

Docket No.: H0630-0003-P003

Even accepting, *arguendo*, that the proposed combination is properly made, however, there is nothing in Rappaport and Tonelli, whether taken alone or in combination with the other references of record, to teach or suggest every feature of claim 1. In particular, the novel combination including "[a] method for deploying a fiber optic communication network comprising: storing an attribute of an optical communication ... [and] calculating an optical loss, including a loss associated with an optical fiber splice." is not found anywhere in the references of record, whether taken alone or in combination. Consequently, claim 1 is not anticipated or rendered obvious by the proposed combination of Rappaport and Tonelli, and the rejection of claim 1 under 35 USC §103(a) over Rappaport in view of Tonelli is overcome.

Claims 3-6 each depend, directly or indirectly, from claim 1 and incorporate every feature thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claim 3-6 under 35 USC §103 (a) over Rappaport in view of Tonelli are also overcome. In view of the foregoing, allowance of claims 1 and 3-6 is respectfully requested.

Claim 36 recites, in pertinent part, "A method for deploying a fiber optic communication network comprising: storing an attribute of an optical communication component in a computer catalog database entry; [and] ... calculating an optical loss, said optical loss including a loss related to an optical fiber splice." Accordingly, for at least the reasons given above in relation to claim 1, the rejection of claim 36 under 35 USC §103(a) over Rappaport in view of Tonelli is also overcome.

Claim 37 and 38 each depend directly from claim 36 and incorporate every feature thereof. Accordingly, for at least the reasons given above in relation to

Customer No.: 64884

Docket No.: H0630-0003-P003

claim 36, the rejections of claim 37 and 38 under 35 USC §103(a) over Rappaport in view of Tonelli are also overcome. Allowance of claims 36-38 is respectfully requested.

Like claims 1 and 37, claim 39 now recites the features of "calculating an optical loss, including a loss associated with ... an optical fiber splice." Accordingly, for at least the reasons given above in relation to claims 1 and 37, the rejection of claim 39, and of claim 40 which depends therefrom, is overcome. Allowance of claim 39 and 40 is therefore respectfully requested.

Claim 7-9, 12 and 31-35 stand rejected under 35 USC §103 (a) over Rappaport in view of Tonelli and in further view of United States patent number 4,866,704 to Bergman (*hereinafter* Bergman).

The Bergman reference relates to "[an] asynchronous, high-speed, fiber optic local area network originally developed for tactical environments." Abstract.

Claims 7-9, 12 and 31-35 each depend, directly or indirectly, from claim 1 and incorporate every feature thereof, including the features of "calculating an optical loss, including a loss associated with ... an optical fiber splice." As noted above, these features are lacking in the proposed combination of Rappaport with Tonelli, and there is nothing in the Bergman reference, or any other reference of record, to overcome this deficiency. Accordingly, the rejection of claims 7-9, 12 and 31-35 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Bergman is overcome. Allowance of claims 7-9, 12 and 31-35 is therefore respectfully requested.

Customer No.: 64884

Docket No.: H0630-0003-P003

Claims 10 and 11 stand rejected under 35 USC §103(a) over Rappaport in view of "Network Tools and Tasks" by Tonelli (sic) [Kuczun] in further view of United States patent number 5,761,432 to Bergholm (*hereinafter* Bergholm). Claims 10 and 11 each depend directly from claim 1, and accordingly incorporate the above-noted features of "calculating an optical loss, including a loss associated with ... an optical fiber splice." Neither Kuczun nor Bergholm in any way serves to teach or suggest the subject features and, accordingly, neither reference, whether taken alone or in combination with the other references of record, overcomes the above-noted deficiencies of Tonelli. Consequently, the proposed combination of Tonelli with Kuczun and Bergholm does not anticipate claims 10 and 11 or render them obvious. Allowance of claims 10 and 11 is therefore respectfully requested.

Claims 13, 14 and 16 stand rejected under 35 USC §103(a) over "Modeling Multiple View of Design Objects in a Collaborative CAD Environment" by Rosenman in view of Rappaport and in further view of Tonelli. Claim 13 recites, in pertinent part, "[a] system for planning a network comprising:...software including a catalog portion, a design profile portion, and a calculations portion... said calculations portion being adapted to calculate power and signal relationships within ... communications network components," (emphasis added).

The Office Action relies on Rappaport for any teaching of "calculation" in acknowledges is that such teaching is absent from Rosenman and Tonelli. Applicant respectfully submits, however, that there is nothing in Rappaport to

Customer No.: 64884

Docket No.: H0630-0003-P003

teach or suggest the same features of calculating "relationships within... communications network components."

To the contrary, Rappaport is entirely directed to a system for 3-dimensional display of wireless communication system performance. The cited discussion of Rappaport relates to a "designated region" and to a "computer [which] then calculates the selected wireless system performance predictive model on the region," (emphasis added). This in no way teaches or suggests the claim 13 features of calculating "relationships within... communications network components." Accordingly, the proposed combination of Rosenman, Rappaport and Tonelli, whether taken alone or in combination with any of the references of record, does not anticipate claim 13 or render it obvious. Consequently, the rejection of claim 13, along with claims 14 and 16 which depend therefrom, is overcome. Allowance of claims 13, 14 and 16 is respectfully requested.

Claim 15 stands rejected under 35 USC §103(a) over Rosenman in view of Rappaport and Tonelli and in further view of Bergman. Claim 15 depends indirectly from claim 13 and incorporates every feature thereof. Bergman in no way serves to remedy the deficiencies identified above as to the combination of Rosenman, Rappaport and Tonelli. Specifically, Bergman does not teach or suggest at least the claim features of "[a] system for planning a network comprising:...software including a catalog portion, a design profile portion, and a calculations portion...said calculations portion being adapted to calculate power and signal relationships within ... communications network components."

Customer No.: 64884

Docket No.: H0630-0003-P003

Accordingly, the proposed combination does not anticipate claim 15 or render it obvious. Allowance of claim 15 is therefore respectfully requested.

Claims 1, 3-16 and 31-35 stand rejected under 35 USC §103(a) over "CADDstar Version 5.0 Help Manual" in view of Tonelli. Applicant respectfully submits that the features of "calculating an optical loss, including a loss associated with an optical fiber splice" is in no way taught or suggested by the CADDstar version 5.0 help manual. Nor does the combination of the Help Manual with Tonelli, or with any other reference of record, remedy this deficiency. Accordingly, the rejections of claims 1, 3-12 and 31-35 under 35 USC §103(a) are overcome.

Applicant also respectfully submits that there is nothing in the Help Manual to teach or suggest the claim 13 features of :

a first computer including a first memory storage device having application software encoded therein; a second computer, operatively connected to said first computer, having a second memory storage device adapted to record first project data; a third computer, operatively connected to said second computer, having a third memory storage device adapted to record second project data, said first and second project data being substantially instantaneously identical.

Nor does Tonelli teach or suggest anything that would remedy this deficiency. Therefore, the rejections of claim 13-16 should also be withdrawn. Consequently, the proposed combination of the Help Manual with Tonelli does

Customer No.: 64884

Docket No.: H0630-0003-P003

not anticipate any of claims 1, 3-16 and 31-35. And the corresponding rejection under 35 USC §103(a) should be withdrawn.

In light of the foregoing, all claims now pending in the application are believed to be in immediate condition for allowance. Allowance of all claims and prompt passage of this application to issue is therefore earnestly solicited.

If required, the Commissioner is hereby petitioned, under 37 C.F.R. § 1.136 (a), to extend the time for filing a response to an outstanding Office Action, or any communication filed in this application by this firm, by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 50-3950 of Bergman & Song LLP, under Order No.: H0630-0003-P003.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (617) 868-8871 in Cambridge, Massachusetts.

Dated: FEB 02 2009

Respectfully submitted,

By 

Michael Bergman

Registration No.: 42,318

BERGMAN & Song LLP

PO Box 400198

Cambridge, MA 02140

617-868- 8870

Attorneys for Applicant